

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

----- X
Green Mountain Realty Corp. :

Plaintiff, :

vs. : **CASE NO. 04-CV-40021-FDS**

The Town of Sturbridge of Massachusetts, the :
Zoning Board of Appeals of the Town of :
Sturbridge, Massachusetts, and Ginger Peabody, :
Theophile Beaudry, Mary Blanchard, Jeff Bonja, :
Robert Cornoni, Patricia Jeffries and Gary Jeznach, :
in their capacities as Members of the Zoning Board :
of Appeals of the Town of Sturbridge, :
Massachusetts :

Defendants. :
: :
----- X

JOINT MOTION TO CONTINUE SCHEDULING CONFERENCE

Plaintiff Green Mountain Realty Corp. and defendants the Town of Sturbridge, Massachusetts, et al., respectfully move to continue the scheduling conference presently set for September 9, 2004 at 3:30 p.m., and in support thereof, state as follows:

1. Plaintiff commenced this action pursuant to Section 704 of the Telecommunications Act of 1996, seeking review of a decision by defendants with respect to plaintiff's application to construct a wireless antenna facility. Pursuant to said statute, plaintiff only had thirty (30) days to commence the action and thus the parties could not fully explore settlement possibilities before commencing the same.

2. Since the filing of the action, the parties have been engaged in serious settlement discussions and believe that the matter will be resolved very shortly by the filing of an Agreement for Judgment.

3. Under the circumstances, the parties jointly request that the Scheduling Conference presently set for September 9, 2004, be continued for approximately thirty (30) days to allow the parties time to complete their negotiations.

WHEREFORE, the parties jointly move for an order continuing the scheduling conference set for September 9, 2004 for approximately thirty (30) days, with a new date to be set at the Court's convenience.

Respectfully submitted,

GREEN MOUNTAIN REALTY CORP

By its attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: August 27, 2004

By: /s/ Steven E. Grill, Esquire
Steven E. Grill (admitted pro hac vice)
111 Amherst Street, P.O. Box 719
Manchester, NH 03105 0719
(603) 669 1000

-and-

THE TOWN OF STURBRIDGE,
MASSACHUSETTS et al.

By their attorneys,

KOPELMAN & PAIGE

By: /s/ Patricia A. Cantor, Esquire
Patricia A. Cantor
31 St. James Avenue
Boston, Massachusetts 02116
(617) 556-0007